

BILL ANALYSIS

Senate Research Center

S.B. 843
By: Perry
Criminal Justice
5/24/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The proposed legislation seeks to protect crime victims' health and safety by ensuring sensitive information collected by the Crime Victims' Compensation Program (CVCP) is not released to third parties. This legislation amends Article 56.65, Code of Criminal Procedure, to prohibit the CVCP from releasing victims' records without a court order. The bill creates a uniform process for third parties seeking CVCP records by requiring a hearing for good cause shown if the records sought are not available from other sources. The records may still be released, with the victim's permission, to other crime victim compensation programs or with the Office of the Attorney General's permission for auditing and accounting purposes.

By law, the CVCP must review and verify applications before making any awards to eligible crime victims, therefore, documentation of expenses is crucial to the claims process. While the Public Information Act protects CVCP records, the criminal and civil rules of procedure do not.

Interested parties note that the release of these records can jeopardize a crime victim seeking compensation if it is disclosed to an offender or third party. (Original Author's / Sponsor's Statement of Intent)

S.B. 843 amends current law relating to disclosure and use of certain information regarding the Crime Victims' Compensation Act.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 56, Code of Criminal Procedure, by adding Article 56.65, as follows:

Art. 56.65. DISCLOSURE AND USE OF INFORMATION. (a) Provides that this article does not apply to information made confidential by law.

(b) Provides that an application for compensation under this subchapter (Crime Victims' Compensation) and any information, document, summary, or other record provided to or received, maintained, or created by the Texas attorney general (attorney general) under this subchapter is:

(1) except as provided by Section 552.132(c), (relating to providing that certain information regarding a crime victim or claimant is public information), Government Code, not subject to disclosure under Chapter 552 (Public Information) of that code; and

(2) except as provided by Subsection (c), not subject to disclosure, discovery, subpoena, or other means of legal compulsion for release.

(c) Prohibits the attorney general from releasing or disclosing an application for compensation under this subchapter, or any information, document, summary, or other record provided to or received, maintained, or created by the attorney general under this subchapter, except to certain persons, with the permission of certain persons, or in response to certain court orders or subpoenas.

(d) Requires the attorney general, if responding to a subpoena described by Subsection (c)(7) (relating to the release of certain information in response to a subpoena), to release only the victim's completed application form as described by Article 56.36(a) (relating to procedures for an application for compensation) after redacting any confidential information described by Section 552.132(b) (relating to the confidentiality of certain information), Government Code. Provides that the release of a victim's completed application form under this subsection does not affect the authority of the court to order the release or disclosure of additional information under this article.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.